



Town of Tyngsborough
Planning Board
25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 115

MINUTES
August 1, 2013
APPROVED

Attachments:

1. Meeting Agenda
2. 272 Middlesex Rd. Special Permit Application – 7/1/13
3. David E. Ross Associates Report for 272 Middlesex Rd. – 7/31/13
4. Tyngsborough Tax Collector Letter regarding 272 Middlesex Rd. – 7/23/13
5. Tyngsborough Town Department Comments for 272 Middlesex Rd.
6. 1 Demauro Dr. T.I.L.Q. Application – 7/2/13
7. David E. Ross Associates Letter regarding 1 Demauro Dr. – 7/31/13
8. Tyngsborough Town Department Comments for 1 Demauro Dr.
9. 81 Westford Rd. Plan page

Members Present: Bill Gramer, Vice Chairman
Steve O'Neill
Steve Nocco
Kimberly Obrien
Jesse Johnson, David E. Ross Associates

Members Absent: Tom Delmore, Chairman

7:00pm - Meeting called to order by Vice Chairman Bill Gramer

7:02pm - Planning Board Reorganization

S. Nocco: Motion to postpone Board reorganization to the next meeting until there is a full Board present.

K. OBrien: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

7:05pm - 272 Middlesex Rd. – Special Permit application for Professional Office Space use in a B-2 Zone, per Section 2.11.30 and 1.16.10 of the Tyngsborough Zoning By-Laws.

S. Nocco: Motion to waive the reading of the legal notice and abutters list.

K. O'Brien: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

Atty. Peter Nicosia, and engineer Jeff Hannaford appeared before the Board for the applicant. The owner intends to clean-up the site, install a new septic system, and a parking area. Atty. Nicosia explained that this property is zoned Business 2 and requires a Special Permit for Professional Offices, which is the intended use of the building. He went on to say that there would be no footprint expansion to the building, as they only plan on renovating the interior for office space. Additionally, they will clean-up the site and would plant upscale landscaping in order to improve the property's curb appeal.

The previous owner of the property obtained all of the required variances from the ZBA in 2009. In addition, a new septic design plan has been approved by the Board of Health; however, it was never installed. They will be hooking up to the municipal water supply and abandoning the well that is currently on site. The current owner was granted variances by the ZBA in March of 2013 for certain dimensional requirements, buffering and screening and renovation and alteration of a pre-existing non-conforming structure.

J. Johnson suggested that the landscape plan be updated to reflect some important components of the site including dumpster location, snow storage, and handicap access. The Board was concerned about the water run-off from the property onto Middlesex Rd. Mr. Hannaford said that they could incorporate a simple trench drainage system with an under-drain and open stone. The Board felt that the project would be a vast improvement for the site which has been an eye sore for several years. There were no abutters present to speak for or against the project.

S. Nocco: Motion to close the public portion of the hearing.

S. O'Neill: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

S. Nocco: Motion to grant a Special Permit for Professional Office use in a B-2 Zone for 272 Middlesex Rd. with the following conditions:

- All outstanding taxes shall be paid to the Town of Tyngsborough prior to occupancy
- The landscape plan should be updated to reflect the following: trench with under-drain and open stone for drainage, location of the dumpster, location of snow storage, and handicap accessibility parking and ramp access to building.

In accordance with Section 1.16.14 of the Zoning By-Law the Planning Board finds that this proposed use:

1. Is in harmony with the purpose and intent of this By-Law;
2. Will not be detrimental or injurious to the neighborhood in which it is to take place;
3. Is appropriate for the site in question;
4. Complies with all applicable requirements of this By-Law.

S. O'Neill: 2nd the motion

Roll Call Vote:

K. O'Brien: In Favor

S. Nocco: In Favor

W. Gramer: In Favor

S. O'Neill: In Favor

T. Delmore: Absent

Passes: 4-0-1

7:30pm **1 Demauro Dr. (M27, P37A, L2)** – Special Permit application to construct a Temporary Independent Living Quarters in accordance with Tyngsborough Zoning By-Law Section 4.15.00.

S. Nocco: Motion to waive the reading of the legal notice and abutters list.

S. O'Neill: 2nd the motion

In Favor: 4 **Opposed:** 0 **Absent:** 1

Passes: 4-0-1

Homeowner Michael Kourkoulakos appeared before the Board regarding this application. J. Johnson reported that the plans should reflect the parking. In addition, the by-law states that the second means of egress must be side or rear of the addition, and these plans do not reflect that. The Board worked with the applicant on some options. Mr. Kourkoulakos said that he would re-work the plans to meet the by-law and asked to continue the hearing.

S. Nocco: Motion to continue this hearing until August 15, 2013

S. O'Neill: 2nd the motion

In Favor: 4 **Opposed:** 0 **Absent:** 1

Passes: 4-0-1

DISCUSSION

81 Westford Rd. – Frank Polak

Frank Polak and his representative Atty. Peter Nicosia appeared before the Board to discuss amending the floor plan of the Honey Dew Donuts in order to accommodate a Subway Sandwich counter. There would be no added tables and no site layout changes with regards to parking, etc. The Subway counter would be inside the Honey Dew Donuts for walk-up ordering. No drive-thru access would be needed, as the drive-thru is exclusive to Honey Dew customers only. The added square footage of the building would be 800 s.f. J. Johnson and the Board felt that this change is insubstantial and only administrative as it doesn't change the site layout in any way.

S. O'Neill: Motion to approve an administrative modification to the existing Special Permit Site Layout Plan to include a 800 s.f. addition to accommodate a Subway Sandwich Counter located in the Honey Dew Donuts pending final review and approval by Board engineer J. Johnson.

K. O'Brien: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

ADMINISTRATIVE

S. O'Neill: Motion to approve the minutes from the June 6, 2013 meetings as written.

K. O'Brien: 2nd the motion

In Favor: 3 Opposed: 0 Abstain: 1 Absent: 1

Passes: 3-0-1-1

8:15pm

S. O'Neill: Motion to adjourn

K. O'Brien: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

Minutes respectfully submitted by
Pamela Berman